

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

This document relates to:

*The County of Summit, Ohio, et al. v. Purdue  
Pharma L.P., et al.*  
Case No. 18-op-45090

and

*The County of Cuyahoga v. Purdue Pharma  
L.P., et al.*  
Case No. 1:18-op-45004

MDL No. 2804

Hon. Dan A. Polster

**DEFENDANTS' DAUBERT MOTION TO EXCLUDE THE  
OPINIONS OFFERED BY JONATHAN GRUBER**

Pursuant to Federal Rules of Evidence 403 and 702, and the Court's Amended Order Regarding Pretrial Motions for "Track One" Trial, ECF No. 1709, Defendants<sup>1</sup> move to exclude

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<sup>1</sup> Teva Pharmaceutical Industries Ltd., Allergan plc f/k/a Actavis plc, and Mallinckrodt plc are respectively an Israeli corporation, Irish holding company, and Irish company that are not subject to and contest personal jurisdiction for the reasons explained in their pending motions to dismiss for lack of personal jurisdiction; they are specially appearing to join this motion as a result of the Court's deadline to file dispositive and *Daubert* motions, and, thus, they do not waive and expressly preserve their pending personal jurisdiction challenges.

In the Complaints, Plaintiffs lump Noramco together with J&J and its other affiliated entities, all Manufacturer Defendants, or all Defendants collectively. For this reason, Noramco joins this motion even though it never manufactured, packaged, branded, marketed, promoted, distributed or sold the finished drug products that are at issue in this litigation.

On June 10, 2019, Insys Therapeutics, Inc. and its affiliates each filed a voluntary case under chapter 11 of United States Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware, which cases are being jointly administered under Case No. 19-11292 (KG). In light of this bankruptcy proceeding, Insys does not join in any of the Daubert motions for summary judgment motions to be filed in the MDL Track One cases.

the opinions offered by Jonathan Gruber for the reasons given in the accompanying memorandum of points and authorities, which is incorporated here.

Dated: June 28, 2019

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Geoffrey E. Hobart, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Geoffrey E. Hobart  
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